



# CITY OF FALLS CHURCH

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Zoning Division

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## NONCONFORMING USES

City Code 38-6

The Code of the City of Falls Church recognizes that some properties, structures and uses pre-date the present code, and have become inconsistent with the code as ordinances have been changed and adopted over time.

Such properties, structures and uses are deemed to be “Nonconforming”, and are allowed to continue with certain limitations. These limitations include the following:

- Nonconforming buildings and uses cannot be enlarged, extended, reconstructed or altered unless it is to bring the building or use into compliance with the current code.
- Another nonconforming building or use may not replace existing nonconforming buildings and uses, such as due to destruction by fire or storm or moving of the building to another location.

Additions to residential structures that are nonconforming with respect to setback requirements may be approved by the Zoning Administrator provided that:

- The addition isn't closer to the front or side lot line than the existing structure.
- The addition isn't closer than 10' from a side lot line in the R-1A District, isn't closer than 7' from a side lot line in the R-1B District, or closer than 10' from a side or rear setback line for the R-1C District.
- The addition doesn't extend more than 15' toward the rear setback in the R-1A and 1B Districts.

The Zoning Administrator may also deny the application and then refer it to the Board of Zoning Appeals for consideration of a variance, as described in Section 38-10(c), when there are unusual circumstances such as lot shape, topography, safety concerns or conditions that would adversely affect neighboring properties.

Additions to nonconforming residential structures that do not fall under the Zoning Administrator's authority for approval, as described above, require a variance from the Board of Zoning Appeals.

Nonconforming uses of a property, structure or premises that have ceased for 1 year or more cannot be continued again.

*Note: This is a summary of the Code. Please refer to 38-6 for specifics and additional information regarding nonconforming uses, and 38-10(c) for the variance procedure. An online version of the Code is available at-- <http://www.ci.falls-church.va.us/>*